

APPROVED: Meeting No. 32-95

ATTEST: *Paula Jewell*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 14-95

February 27, 1995

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on February 27, 1995, at 7:30 p.m.

PRESENT

Mayor James F. Coyle

Councilmember Robert E. Dorsey

Councilmember Rose G. Krasnow

Councilmember Rose G. Krasnow

Councilmember Nina A. Weisbroth

In attendance: Acting City Manager Rick Kuckkahn, City Clerk Paula Jewell and City Attorney Paul Glasgow.

Re: City Manager's Report

1. On February 22, 1995, the Rockville Chamber of Commerce along with the Mayor and Council, co-hosted a High Technology Business Symposium. CEOs from a number of organizations led discussions on a variety of topics including job creation, how to retain businesses in Rockville, and how to promote a balanced growth in the community. Other forums are being planned by the Chamber and the City.

2. On February 23, the Mayor and Council attended a Maryland Municipal League Montgomery County Chapter meeting with County Executive Doug Duncan. Mr. Duncan commented on the County's FY96 budget and CIP and he announced a tax duplication task force he is establishing to improve the system of County payments for cities who provide services duplicated by the County.

3. On February 25, the Lincoln Park Historical Society and the Community Center's preschool and afterschool programs celebrated the 104th anniversary of Lincoln Park and the 18th Annual Black History Program. Youth performances, essay presentations, music and dance helped to celebrate Black History Month. Mr. Kuckkahn congratulated Lincoln Park for helping to make Rockville a great place to live for over 104 years.

4. On February 23, the Citizens Police Academy graduated the first program taught entirely in Spanish. Hispanics United for Rockville (HUR) hosted the group. The next Citizens Police Academy will begin April 19. Interested residents are encouraged to sign up early as this is an extremely popular program.

5. On March 4, the parking lot area at the northwest corner of Jefferson Street and Courthouse Square will no longer be available for parking. Short term alternative parking can be found in the 4-hour parking area on East Middle Lane. Residents should call 309-3200 for further information.

6. On March 2, members of the community and the Mayor and Council will travel to Annapolis for "Rockville Day in Annapolis." This is a formal opportunity to engage legislators in lobbying activities State-wide. Speaker of the House Cas Taylor, President of the Senate Mike Miller, and Comptroller Louis Goldstein will attend; and it is hoped that Governor Glendening will also be present.

Councilmember Krasnow said that the signage at the 4-hour City parking lot on East Middle Lane is unclear in terms of which part is permit parking and which is 4-hour parking. She asked that staff try to clarify this.

Mayor Coyle noted Chad Ambross in the audience, a Richard Montgomery High School student and a member of Scout Troop 1772.

Re: Presentation of the "Rockville - All American City" March by Richard Haight.

Dick Haight served on the City Council from 1974-1978. In 1976 he wrote the "Rockville - All American City" March, which although copyrighted in 1977, was never formally presented to the City. Mr. Haight said he wrote the March to commemorate the City receiving the National Civic League's All America City award three times. He was accompanied by Dr. James Sadler, leader of the Rockville Men's Chorus, who arranged the March for band. The Rockville Concert Band has the March as part of their repertoire, and Mr. Haight suggested that the City sponsor a contest to get someone to write the words to the March.

Re: Citizens Forum - This time is set aside to hear from any citizen who wishes to address the Mayor and Council.

1. Don Boebel, 3 Barclay Court, Acting President, Association of West Rockville Citizens extended an invitation on behalf of the Association and the Rockshire Association, to the Mayor and Council to take a guided tour of the area around the Veirs Property. Mr. Boebel offered the Association's assistance to the Mayor and Council on understanding the Residential Townhouse Application process.

2. Bob Wright, 209 Watts Branch Parkway and President of Rockshire Association said that he thought it would be worthwhile for the Mayor and Council to tour the Veirs property. He also noted that the neighborhood had many qualified and educated

persons who were only given 3 minutes to speak at the public hearing, and they would be relying on all information spoken and written being placed into the public record.

3. Tom Curtis encouraged the Mayor and Council to attend a hearing on March 1 regarding Senate Bill 675 and House Bill 972; bills which would reallocate the State's transportation funding formula.

4. Dick Haight, former Rockville Councilmember and current Gaithersburg resident urged the Mayor and Council to request that Montgomery County remove the clear alcoholic malt beverage "Zima" from Montgomery County liquor stores. He said that the drink is being marketed by the Coors Brewing Company as a fruity beverage deliberately targeting underage kids. The Mayor and Council agreed to discuss the issue under "New Business." City Attorney Glasgow stated that the Mayor and Council could only offer the County their views on the type of beverages made available in County liquor stores.

5. Chad Ambross, Richard Montgomery High School Student commented on the sale of tobacco to minors at the Jefferson Building. He said the proprietors were not requesting identification for underage persons purchasing tobacco.

Re: Appointment

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Marty Roney was appointed to serve as Chair of the Senior Citizens Commission.

Re: Consent Agenda

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the following Consent Items were approved:

- A. Award of Contract to Montgomery County Public Schools Division of Transportation. In the amount of: \$61,685

For: Bus transportation for the City's Summer Camps and Summer Playgrounds programs. Sufficient funds are available in the Recreation and Parks Department budget.

- B. Award a requirements contract for Water Treatment Chemicals for \$67,968.67 through the Council of Governments lead jurisdiction, Fairfax County Water Authority.

Award to Norit Americas, Inc., Chloramine Company, Greer Industries, Inc., General Chemical Corp, and LCI Limited for the supply of certain Water Treatment Chemicals.

- C. Receipt of financial reports summarizing the results of City operations for the period from July 1, 1994, through December 31, 1994.

Re: Report from Stephen Edwards, Chairperson, 1995 Compensation Commission.

Stephen Edwards, Chairperson of the Compensation Commission said that the Commission met February 9 and submitted their report to the City Clerk, as required. He said that the Commission looked at the stipends of elected officials from surrounding comparable area jurisdictions as well as the cost of living trends and the history of Rockville's elected official salaries. He said it was difficult to compare other jurisdictions because of the different types of governments. The Commission considered cost of living

changes that took place since 1984 which when the last stipend was reviewed. The Commission looked at the good work performed by the Mayor and Council and the amount of time spent. The Commission's final decision was based on a combination of all the factors and they felt that the time spent by the Mayor and Council was significant enough to justify that some of their expenses be underwritten.

Councilmember Weisbroth noted that the suggestion of the Committee was to increase the Mayor's stipend from \$8,000 to \$10,500 and the Councilmember's stipend from \$6,000 to \$8,500 annually--a \$2,500 increase for both. Councilmember Marrinan pointed out that the Commission's recommendation would not take effect until the next Mayor and Council took office. Councilmember Krasnow commented that the Mayor and Council had 30 days to either do nothing or vote to lower the recommendation.

The Mayor and Council decided to bring the matter back for formal action at the March 13, 1995 General Session in order to give citizens a chance to comment on the recommendation.

Re: Award of a contract to an Executive Search Firm to conduct an executive search for the position of City Manager.

Mayor Coyle said that the Mayor and Council met on February 25th to interview representatives from three executive search firms, and a decision was reached to award a contract to The PAR Group. Councilmember Krasnow said she was impressed with the caliber of all of the search firm applicants and she felt that The PAR Group was very thorough and would conduct a thorough search. Councilmember Marrinan noted that PAR's principal agent and staff had been involved in executive searches around the United States

and should be able to stimulate a number of good applicants to make application to the City of Rockville. Mr. Marrinan said the value the City would receive in service from this firm was extraordinary, and he was comfortable with the contract award.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the contact to conduct an executive search for the City Manager position was awarded to The PAR Group for \$13,500 plus out of pocket expenses not to exceed \$4,500.

Re: Acceptance of Text Amendment
Application TXT95-0145, David D.
Freishtat, Attorney for the Miller
Companies and Rinksports
Entertainment, Inc.

To amend the Zoning Ordinance to
add a definition of a "Sport and
Recreation Facility;" to allow a
sport and recreation facility in the I-
1 and C-2 zones, and by Special
Exception in the I-4 zone; and to
add a new parking space
requirement for the new use.

Councilmember Weisbroth said it was her understanding that there was currently one standard for parking. She asked if this was a new parking standard for the particular zone and questioned how this related to other parking requirements. Chief of Planning Lisa Rother, said this was a new standard for this particular use and it was a use standard based on how the building was going to be used. She said the City did have a parking standard for indoor recreational establishments and for other recreational facilities. Ms. Rother explained that the applicant had submitted information specifically geared towards figure skating, 24 hour-use, and had also conducted research as to how other jurisdictions regulated this use. Ms. Weisbroth said that one of the concerns brought up when the ice rink

issue was initially discussed, was whether there would be adequate parking to handle a larger influx of users if the facility was used for games.

Councilmember Krasnow said the parking standard appeared to be very low, particularly since when the applicant made their presentation, they spoke of games and other uses for this facility. Since the parking space allocation mentioned was one space for every four persons as the legal capacity, she would like to see some background on how this figure was derived as well as to see a comparison for similar types of uses and other standards for other types of recreational uses. Ms. Rother said that staff would do a more detailed analysis. However, she said that according to conversations with the applicant, one of the reasons for the standards is that many of the users of the ice facility will be non drivers--parents dropping off several children, etc. and she said the City was not committed at this point until further research was done. Many of the standards used were based on square footage of the building or the ice and staff would look at all the alternatives and try to make the best recommendation for Rockville.

Councilmember Krasnow said the Code had a definition for recreational establishment--indoor commercial--which listed several uses and then had "or other athletic activity." She asked why a separate category needed to be created since it appeared the City Code addressed this use. Ms. Rother said the definitions were somewhat similar; staff would also look at amending the indoor recreational establishment to make sure there were no overlapping uses. The applicant has an understanding that this should be a specific type of use; however, staff would explore this. She said that where the indoor recreational establishment states "or other athletic activities", this would most likely be removed from the

previous definition and made more specific. Ms. Krasnow also mentioned that in a community to the north of Rockville, there was an indoor soccer facility which had come under criticism because it was more of a bar and not an indoor soccer facility. She said that the Mayor and Council needed to consider how they would regulate ancillary uses of the facility. Ms. Rother said when the Planning Commission considered the applicant's special exception, they brought up the issue of serving alcohol and specifically recommended that alcohol not be served, and the applicant agreed to this. Ms. Rother also said that in the I-1 Zone where the facility would be located, serving alcoholic beverages on-site was only by special exception and any application for such would have to come back for additional processing.

Without objection, the Text Amendment Application TXT95-0145 filed by applicant David D. Freishtat, Attorney for the Miller Companies and Rinksports Entertainment, Inc., was accepted.

Re: Consent to action by Michael Plitt
for adverse possession of a fifteen
foot wide strip of land (the "strip")
located next to 1714 Gruenther
Avenue, Rockville, Maryland.

Mr. Kuckkahn explained the 15-foot wide strip of property was looked at by Public Works, Recreation and Parks, and Community Development and it was determined that the City had no reason for maintaining the property or keeping it in public ownership. The recommendation was to not oppose adverse possession. At the request of Councilmember Dorsey, Mr. Glasgow explained the concept of adverse possession.

Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, the consent to action was approved.

Re: Discussion and instructions to staff concerning the six recommendations to update our SWM Program.

Following the February 6 worksession, six recommendations emerged as desirable courses of action.

Mr. Kuckkahn gave an overview of the six recommendations developed by staff to streamline the SWM review process while broadening the program scope. He noted that the Science, Technology, and Environment Commission and the Planning Commission have reviewed the recommendations: (1) require simultaneous submission of SWM concept plans to the Department of Public Works along with preliminary development plan submission to Community Development; (2) expand Community Development's public notification process to include references to possible environmental impact; (3) provide regional participation approval for an individual SFH project without lengthy administrative process; (4) create two categories - small and large development for processing regional participation requests single family house in-fill development; (5) expand regional participation program to include more types of water resources projects; and (6) reinstate category summaries to facilitate review of regional participation requests. Councilmember Krasnow said she would not want the process to imply there was pre-approval of a developer's suggested SWM plan. Civil Engineer Susan Strauss responded that staff proposed providing a contingent approval for SWM that would be made clear that the

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approval was conditional and that the Planning Commission would have to grant the approval for the development itself.

Regarding recommendation number 6, staff was asked to come back with a refined system that expands the conditions of improvements within the watersheds for ranking the watersheds and receiving tributaries. Staff was also directed to provide quarterly reports (instead of annual reports to the Mayor and Council) summarizing the development activity on the regional participation program. Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, recommendations #1-5 were approved.

Re: Approval of concept plan and
location of the SWM facility
proposed at the Villages of Tower
Oaks.

Ms. Strauss explained that the recommendation was for the Mayor and Council to approve the Tower Oaks SWM facility at the location shown in the Villages at Tower Oaks approved Detailed Application. She also said that staff additionally recommended that the facility be placed down at the lower location at the intersection of Tower Oaks Boulevard and Wootton Parkway because the area was already a disturbed environment. Councilmember Krasnow asked about the City's responsibility for maintenance of the facility once it was constructed. The facility will be an extended detention facility with standing water within a very dense townhouse development and concern was expressed by Ms. Krasnow and echoed by the Mayor and Council that there might be a safety issue that needed to be carefully addressed. Ms. Strauss said that staff would look into the liability issue.

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the concept plan and location of the SWM facility proposed at the Villages of Tower Oaks were approved.

Re: Introduction of Resolution to Enlarge the Corporate Boundaries of the City of Rockville, Annexation Petition ANX95-0120, Rock Creek Association B, et al. (Trammell Crow), Petitioners.

Proposed annexation of approximately 95.53 acres of land located north of Gude Drive, east of Frederick Avenue, and east of Crabbs Branch Way.

Ms. Rother explained that the petition was for a proposal to annex 95.53 acres of land and included both improved and unimproved properties. The applicant also requested that a new I-5 Zone be added, and a text amendment application to establish this zone is being processed concurrently with the Annexation Petition. Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, the Resolution was introduced.

Re: Adoption of Resolution to Set Public Hearing Date for Annexation Petition ANX 95-0120, Rock Creek Associates B, et al, (Trammel Crow), Petitioners.

To establish a date for the Mayor and Council's public hearing in conjunction with the proposed annexation of 95.53 acres of land located north of Gude Drive, east of Frederick Avenue and east of Crabbs Branch Way.

Resolution No. 2-95

Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, the Resolution establishing a public hearing date for May 15, 1995 was adopted.

Re: Acceptance of Text Amendment
Application TXT95-0146, Rock
Creek Associates B, et al,
(Trammell Crow), c/o Miller,
Miller & Canby, Attorneys.

To amend the Zoning Ordinance to
add a new "I-5" Zone.

Without objection, Text Amendment Application TXT95-0146 was accepted.

Re: FYI/Correspondence

1. Councilmember Dorsey commented on the FYI Item updating the Mayor and Council on the "First Night" celebration; an alcohol-free observance of New Year's Eve oriented around the arts. Montgomery County will host the area's first, "First Night" celebration in Silver Spring on December 31, 1995. Mr. Dorsey has been working on one of the boards to plan this year's celebration and to pursue other locations in Montgomery County to hold future celebrations.

Re: New Business

1. Rockville March Contest - Staff was asked to follow up on the idea to sponsor a contest to compose the words to Mr. Haight's "All-American City March."
2. Zima Malt Beverage Issue - Staff was asked for additional information on the issue. The Mayor and Council may want to add their voice to the concerns expressed about the beverage. A few years ago, the City asked the County Executive to not make

Cisco, another fortified wine, available in County liquor stores. It was suggested that the Mayor and Council might want to take a similar approach on this issue.

3. Visit to Veirs Property - Mr. Glasgow suggested that if the Mayor and Council desired to, they should plan to collectively conduct a site visit along with one representative of the developer and one representative of the neighborhood concern. Mr. Glasgow advised the Mayor and Council that any discussions during the visit should only center around acquainting the Mayor and Council with the physical features and characteristics of the property; i.e., description of the property, its boundaries, where the proposed town houses would be located, and where the road would be established. He advised that the Mayor and Council not engage in any discussion that bordered on additional testimony. Mr. Glasgow also said that any arguments to be presented should only be done so through the written record.

4. Councilmember Marrinan said that a number of the City's Human Rights Commission members visited him during a recent Drop-In to talk about the future staffing levels for the Commission and the future role of the HRC to move into community mediation. Mr. Marrinan said he felt there were some miscommunications about the role of HRC and he suggested that a second Mayor and Council Worksession with HRC might be in order to clear up misconceptions. Mayor Coyle added that he had been visited by former Commissioner Michael Taft regarding the issue, and he said that it was clear that the public was not fully aware of what was being proposed.

5. Councilmember Krasnow noted the earlier appointment of Marty Roney who will fill out the unexpired term of Chairman Stan Sheltra who recently passed away. On

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behalf of the Mayor and Council, Ms. Krasnow extended condolences to Josephine Sheltra. Councilmember Dorsey said that with Stan Sheltra's passing, the City had indeed lost a giant in the community.

Re: Next Meeting

The Mayor and Council will hold a Worksession on March 6, 1995 to meet with the Economic Development Council, the Science, Technology, and Environment Commission and to view a slide presentation prepared by Dennis Cain, a member of the Traffic and Transportation Commission, who is concerned about sidewalk accessibility issues. The Mayor and Council will also meet in Executive session to discuss a proposal for a business to remain and expand in Rockville.

Re: Adjournment

There being no further business to come before the Mayor and Council, the General Session was adjourned at 9:40 p.m. to reconvene in Worksession on March 6, 1995, or at the call of the Mayor.